

Response
Application No. 10/718,555
Attorney Docket No. 042223

REMARKS

Claims 1-4 are pending in this application. By this Amendment, claims 1-3 have been cancelled and new claims 5 and 6 have been added. No new matter has been added. It is submitted that this Amendment is fully responsive to the Office Action dated September 12, 2007. Please reconsider the application in view of the above amendments and the following remarks.

Specification

The examiner has objected to the specification because the title is not descriptive. The title has been amended to overcome this objection. Accordingly, Applicant requests that the objection be withdrawn.

As to the Merits:

As to the merits of this case, the examiner sets for the following rejections:

- 1) Claims 1-3 are rejected under 35 U.S.C. §102(e) as being anticipated by Aria et al (2002/0133820); and

4

Response
Application No. 10/718,555
Attorney Docket No. 042223

- 2) Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over
Aria et al (2002/0133820) in view of Ibrahim Sezan et al (2004/0268390)
and further in view of Arora (2003/00189720).

The rejection for claim 4 is respectfully traversed.

As to Rejections under 35 U.S.C. §103:

Independent claim 4

Claim 4 calls for ... *means for erasing an analog channel on which analog broadcasting in simulcast is being performed at the present time on the basis of an internal clock from a list in said channel UP/DOWN key.*

First, the examiner acknowledges that Aria **does not teach** a broadcasting receiver configured such that a channel can be changed by comprising a channel UP/DOWN key, a broadcasting receiver comprising: ...**means for erasing an analog channel on which analog broadcasting in simulcast** is being performed at the present time on the basis of an internal clock from a list in said channel UP/DOWN key. Nonetheless, the examiner contends that the references Ibrahim Sezan and Arora disclose this limitation. **Applicant disagrees** with the examiner.

In paragraph [0235], Ibrahim Sezan discloses a system for managing audio-visual information from **sources** such as terrestrial sources, digital video disc, cable television, analog

broadcast television, digital broadcast television, analog radio broadcasts, and digital radio broadcasts. This information permits the **user to select among these different sources** and increase effectiveness by **narrowing down the choices to those sources that are available to the user**, such as terrestrial broadcast which is more widely available than satellite broadcast. In other words, the **user receives all the broadcast channels available on the chosen source**. However, the system **lacks any means for erasing simulcast analog channel if present on the source broadcast**.

In contrast, **in the claim 4 of the present invention, if the same program exists on simulcast channels, the analog channels are deleted from the up/down list thereby always giving user the digital channel**.

Similarly, as illustrated in Fig. 2 and described in paragraph [0020], the Arora reference removes channel from surf list based on user preferences. However, the Arora reference, like the Ibrahim Seza reference, **does not disclose a means for erasing simulcast analog channels which may be present on the source on which the user preferred channels resides**.

Therefore, the examiner has not established a *prima facie* case of obviousness since, even if assuming *arguendo*, the references could be combined in the manner suggested by the Examiner, such combination would still fail to disclose or fairly suggest the features of claim 4 concerning *means for erasing an analog channel on which analog broadcasting in simulcast is being performed at the present time on the basis of an internal clock from a list in said channel UP/DOWN key*.

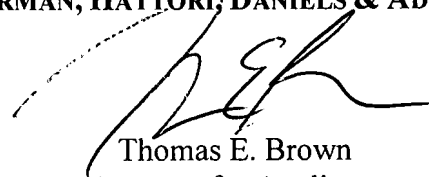
Response
Application No. 10/718,555
Attorney Docket No. 042223

In view of the aforementioned amendments and accompanying remarks, Applicant submits that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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